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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,922	08/04/2003	Moungi G. Bawendi	14952.0274 C1 D1/MTT 8096	4946
27890 7590 12/14/2010 STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036				
EXAMINER				
STEELE, AMBER D				
ART UNIT		PAPER NUMBER		
1639				
MAIL DATE		DELIVERY MODE		
12/14/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action Continued**

The amendment filed December 9, 2010 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because of the following:

- a. The proposed amendment requires further consideration and/or search (e.g. the deletion of species).
- b. The proposed amendment may necessitate the modification of outstanding rejection(s) to address the new limitation (e.g. the deletion of species, the product-by-process limitation).
- c. The proposed amendment may necessitate the raising of new prior art rejections.
- d. The proposed amendment may necessitate the raising of new 112 issues.
- e. There is no convincing evidence under 37 CFR 1.116(b) why the proposed amendment was not earlier presented.
- f. Applicants arguments of the prior art of record are moot, in part, since the arguments are based on the proposed amendments that have not been entered.
- g. Applicants contend that Weiss et al. do not teach a support with more than one population of semiconductor nanocrystals. However, Weiss et al. teach three-dimensional structure which may be either a solid or hollow (e.g. sphere, etc.) with more than one semiconductor nanocrystal bound wherein the advantage of a three-dimensional structure is in the ability to simultaneously utilized a large number of distinguishable probes wherein each probe contains a plurality of semiconductor nanocrystals and by varying the number of identically emitting semiconductor nanocrystals bound to the three-dimensional structure to

provide the maximum number of distinguishable probes (see section e. Compounds and Probes having Three-Dimensional Structured Linking Agents – columns 11-16).

h. For all the reasons above, the amendment does not place the application in better condition for allowance and/or appeal.

### **Future Communications**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMBER D. STEELE whose telephone number is (571)272-5538. The examiner can normally be reached on Monday through Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JoAnne Hama can be reached on 571-272-2911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amber D. Steele/  
Primary Examiner, Art Unit 1639